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Attorney Docket # 5253-25

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Rolf MINTGEN et al.

Serial No.: 10/627,326

Filed: July 25, 2003

For: Piston-Cylinder Unit

Examiner: Siconolfi, Robert
Group Art: 3683

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

November 18, 2004
(Date of Deposit)

F. Brice Faller
Name of applicant, assignee or Registered Representative

F. Brice Faller
Signature

November 18, 2004
Date of Signature

Mail Stop **Amendment**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

SIR:

Responsive to the restriction requirement in the Office Action of October 19, 2004, Applicants hereby elect species A (Figure 1) for prosecution on the merits, for the event that no generic claim is finally held to be allowable.

Claims 1-7, 9-10, 18 and 20 read on the embodiment shown in Figure 1.

Pursuant to the requirement to elect a subspecies, Applicants hereby elect subspecies A (Figures 16-17). Claim 19 read on this subspecies.

Pursuant to the further requirement to elect a subspecies, Applicants hereby elect subspecies AA (Figure 25). Claim 8 reads on this subspecies.

The election of subspecies AA is contrary to the examiner's requirement to elect one of subspecies EE-II if species A is elected, but accords with a telephone interview conducted on October 27, 2004. That is, it is clear from the specification that the slide valve of Figures 25 could be substituted for the seat valve shown in Figure 1; Applicants withdraw their earlier statement that there is a conflict.


By substituting the slide valve of Figure 25 for the seat valve shown in Figure 1, claims 7 (which recites a seat valve) is no longer applicable. By substituting the annular seal of Figures 16 and 17 for the annular seal shown in Figure 1, claim 20 is no longer applicable.

Claims 1-6, 8-10, 18 and 19 read on the species A as modified by subspecies A and subspecies AA.

Early examination and action on the merits are solicited. If any objections remain, a call to the undersigned is requested.

Any additional fees or charges required at this time in connection with the application may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
COHEN, PONTANI, LIEBERMAN & PAVANE

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